

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

FRANK SALAZAR

*Plaintiff*

v.

JOE RAMOS, INDIVIDUALLY, AKA  
JOE RAMOS, DEPUTY SHERIFF  
BCLE 33357, BEXAR COUNTY, TEXAS  
*Defendant*

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

5:20-CV-00234

**DEFENDANT JOE RAMOS' NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C.  
§§ 1331 (FEDERAL QUESTION JURISDICTION)**

COMES NOW Defendant Joe Ramos and files this Notice of Removal from the County Court at Law No. 3, Bexar County, Texas, pursuant to 28 U.S.C. §§ 1331 and 1446(a), and respectfully states as follows:

**PROCEDURAL BACKGROUND**

1. On January 31, 2020, Plaintiff Frank Salazar ("Plaintiff") filed an Original Petition<sup>1</sup> in the County Court at Law No. 3, Bexar County, State of Texas, styled *Frank Salazar v. Joe Ramos, Individually, AKA Joe Ramos, Deputy Sheriff BCLE 33357, Bexar County, Texas*, Cause No. 2020CV00781 (the "State Court Action").

2. Citation in the State Court Action was issued on February 4, 2020,<sup>2</sup> and Defendant Joe Ramos ("Defendant" or "Deputy Ramos") was served on February 7, 2020. At the time of

---

<sup>1</sup> A copy of the **Original Petition** is attached as **Exhibit A** to the Index of State Court Filings ("Index"), which is filed contemporaneously herewith and is incorporated by reference for all purposes.

<sup>2</sup> A copy of the **citation** is attached as **Exhibit D** to the Index.

filing of this Notice of Removal, a copy of the return of service for Defendant Ramos was not available, but is noted on the State Court Docket.<sup>3</sup>

### **NATURE OF THE SUIT**

3. Plaintiff accuses Defendant Ramos of violating his rights under the Americans with Disabilities Act and the Rehabilitation Act of 1973 during a non-emergency incident call requested by the Plaintiff.

### **BASIS FOR REMOVAL**

4. Removal is properly based on federal question jurisdiction pursuant to 28 U.S.C. §§1331 and 1441(a) in that Plaintiff's Original Petition presents a case arising under the Constitution, laws, or treatises of the United States because Plaintiff alleges that his federal rights were violated under the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, codified at 29 U.S.C. § 794. (Plaintiff's Original Petition ¶¶ 13-19.)

5. Defendant Joe Ramos is the only named defendant in the State Court Action referenced in paragraph 1 above; consequently all Defendants join in this Removal.

### **THE REMOVAL IS PROCEDURALLY CORRECT**

6. Defendant was served with citation on February 7, 2020. Therefore, Defendant timely files this Notice of Removal within the within the 30-day period after service as required by 28 U.S.C. § 1446 (b).

7. Venue is proper in this district pursuant to 28 U.S.C. §1441(a) because the Western District of Texas, San Antonio Division is the judicial district and division embracing the place in which the State Court Action is pending.

---

<sup>3</sup> A copy of the **State Court Docket** is attached as **Exhibit E** to the Index.

8. Written notice of the filing of this Notice of Removal is being served on Plaintiff this date, as required by 28 U.S.C. §1446 (d).

9. The Notice of the Filing of this Notice of Removal is being filed with the clerk of the County Court at Law No. 3, Bexar County, State of Texas, as required by 28 U.S.C. §1446 (d).

10. Attached to this Notice of Removal is an Index of State Court Filings (“Index”); including a copy of Plaintiff’s Original Petition (attached to Index as “Exhibit A”); and a copy of citation served upon Defendant Ramos (attached to Index as “Exhibit D”); and a copy of the state court docket sheet (attached to Index as “Exhibit E”). The documents contained in the Index comprise all of the filings to date in this matter with the following exceptions: (1) the return of service for Defendant Ramos, which was not available at the time of this filing; and (2) the “Statement of Inability to Afford Payment of Court Costs or an Appeal Bond” of Plaintiff Frank Salazar, which notes that it “contains sensitive data.” In consideration of the purportedly sensitive data contained therein, the undersigned counsel will file this document separately as an exhibit to a motion requesting permission to file under seal.

### **CONCLUSION**

11. For these reasons, Defendant Joe Ramos respectfully requests that the above action now pending in County Court at Law No. 3 in Bexar County be removed to this Court, and that the Court enter such further orders as may be necessary and appropriate.

Respectfully submitted,

JOE D. GONZALES  
Bexar County Criminal District Attorney

By: /s/ Pamela Bell  
PAMELA BELL  
SBN: 24036210  
Assistant District Attorney  
101 W. Nueva – Civil Division  
San Antonio, Texas 78205  
(210) 335-2170 – Telephone  
(210) 335-2773 – Fax  
[pamela.bell@bexar.org](mailto:pamela.bell@bexar.org)

**CERTIFICATE OF SERVICE**

I certify on the 26th day of February, 2020, I electronically filed the foregoing Notice of Removal with the Clerk of Court using the CM/ECF system, and that on the same day I served the following party by certified mail, return receipt requested and first class mail:

Frank Salazar, *Pro Se*  
P.O. Box 276459  
San Antonio, Texas 78227

/s/ Pamela Bell  
Pamela Bell